

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-8892-2024 (O&M)
Date of decision: 18.04.2024

RAKESH KUMAR

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Parvesh Malik, Advocate for
Mr. Pradeep Chhoker, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

HARPREET KAUR JEEWAN , J.

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.169 dated 05.09.2023 (Annexure P-1) under Sections 376, 323, 506, 509, 201 of the IPC and Section 67 of the Information Act, 2000 registered at Women Police Station, District Rewari.
2. Custody certificate dated 15.04.2024 has been filed on behalf of the respondent-State, which is taken on record. As per the custody certificate, the petitioner has undergone 06 months and 20 days of actual custody.
3. As per the prosecution case, the prosecutrix aged about 24 years, came in contact with the petitioner through Instagram and both had been talking to each other. The petitioner expressed her love for the prosecutrix but later on the prosecutrix came to know that the petitioner was already married. However, the petitioner insisted the prosecutrix by saying that he is not married and the other

woman is not his wife but she is his sister-in-law. In the month of July, 2023 when the prosecutrix went to her parental aunt's house, the petitioner came there and tried to commit rape upon her. It is further an allegation thereafter again the petitioner came in the said house and committed rape upon the prosecutrix on the pretext of solemnizing marriage with her and then the petitioner had prepared a video of the alleged occurrence and was threatening the prosecutrix that he will make the said video viral.

4. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case and he is in custody since 26.09.2023. He further contends that final report under Section 173 Cr.P.C. has been presented before the trial Court and charges have also been framed. The petitioner is ready to face the trial. He submits that the trial is going to take time to conclude, as such, prayer for releasing the petitioner on bail has been made.

5. Status report by way of an affidavit of Pawan Kumar, HPS, Deputy Superintendent of Police, Rewari along with copy of order dated 12.01.2024 passed by the trial Court (Annexure R-1) and statement of prosecutrix recorded under Section 164 Cr.P.C. (Annexure R-2) have been filed on behalf of the respondent-State, which are taken on record.

6. On the other hand, learned State counsel on instructions from ASI Pramila has informed that investigation is complete; final report under Section 173 Cr.P.C. has been presented before the trial Court and charges have also been framed. As per the custody certificate, there is no history of other cases against the petitioner. He has further informed that after filing of the status report, statement of the prosecutrix has been recorded.

7. I have considered the aforesaid contentions. The prosecutrix is major

and her statement has already been recorded during the trial. Investigation is complete; the final report under Section 173 of the Code of Criminal Procedure has been presented before the trial Court and charges have also been framed. As per para No.5 of the status report, the prosecutrix was produced before the Lady Medical Officer for the purpose of medico legal examination but she refused for her medical examination.

8. The petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.
9. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.
10. Pending miscellaneous application (s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

18.04.2024
P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No